

REMARKS

Claims 8-14 and 16 are pending. By this Amendment, claim 15 is canceled and claim 14 is amended. The subject matter of canceled claim 15 has been incorporated into claim 14 and no new matter is added. Claims 8-13 have been allowed.

The Office Action rejects claims 14-17 under 35 U.S.C. 103(a) as being unpatentable over Futamura (U.S. Patent No. 4,778,852). Claim 15 is canceled and claim 17 was previously canceled. This rejection is traversed as it may apply to amended claims 14 and 16.

Applicants respectfully submit that the term "consisting essentially of" used in claim 14 distinguishes the present invention from the "butyl rubber" of Futamura, which contains 85 to 99.8% by weight of combined isolefin and 0.2 to 15% by weight of combined multiolefin (e.g., isoprene). The polymers (α) and (β) of claim 14 are IR, BR, SBR and/or SIBR, which are different from Futamura's polymer.

Futamura by no means teaches the limitation of a rubber composition containing (I) a block copolymer having two or more mutually incompatible blocks (a) and (b), which are selected from the group consisting of BR block, SBR block, IR block, SIR block, BIR block and SBIR block, and (II) polymers (α) and/or (β) selected from IR, BR, SBR and SIBR. Applicants point out that the copolymer of Futamura is styrene-hydrogenated butadiene copolymer.

Furthermore, according to the present invention, the conjugated diene monomers should be present both in the components (I) and (II) of the present invention, as mentioned above. This is not the case in the cited Futamura patent.

Furthermore, the polymer blend of Futamura is composed of (a) a thermoplastic elastomer containing at least two polymer blocks and (b) a vulcanizable rubber selected from EPDM, butyl and/or naturalized sulfonated EPDM. The thermoplastic elastomer component (a) contains a crystalline polymer block having a T_m of above 40°C and an amorphous polymer block having a T_g of 0°C or lower (see col. 4, after line 6 of Futamura).

The preferred thermoplastic elastomer is composed of a hydrogenated block of polybutadiene (i.e., crystalline polymer block) and a hydrogenated block of a random copolymer of, for example, styrene and 1,3-butadiene. This is not the case in the presently claimed invention of claims 14 and 16 because the presently claimed invention uses neither the crystalline polymer nor the hydrogenated polymer. The present polymer contains butadiene rubber block, which is completely different from the crystalline hydrogenated butadiene block of Futamura.

For at least the above reasons, claims 14 and 16 would not have been obvious over Futamura. Reconsideration and withdrawal of the rejection of claims 14-17 under 35 U.S.C. 103(a) are thus respectfully requested.

In view of the amendments and remarks above, Applicants submit that this application, and remaining claims 8-14 and 16, are in condition for allowance and request favorable action thereon.

In the event this paper is not timely filed, Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 01-2300, along with any other additional fees, which may be required with respect to this paper referencing Attorney Docket No. 100021-09056.

Respectfully submitted,

ARENT FOX PLLC

A handwritten signature in black ink, appearing to read "Robert K. Carpenter", with a long horizontal flourish extending to the right.

Robert K. Carpenter
Registration No. 34,794

Customer No. **004372**
1050 Connecticut Avenue, N.W.
Suite 400
Washington, D.C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 638-4810
RKC:tdd

TECH/256092.1